Bombay Gazette.

Wednesday, November 26, 1817.

Volume 28.) (Number 1434.

Advertisement.

APPLICATION having been made to the Honorable the Court of the Recorder of Bombay, that Letters of Administration of the Estate and Effects of JEVONDASS DOOLABDASS, late of Bombay, Hindoo Inhabitant deceased may be granted to GOVINDASS DOOLABDASS, also of Bombay Hindoo Inhabitant, the Brother of the said deceased, all Persons concerned are hereby informed thereof.--Dated 25th November, 1817.

CLARET

FROM

Gledstanes,

IMPORTED IN THE MONTH OF JUNE LAST,

BY THE SHIP

HYPERION,

may be had at the

GODOWNS

OF

MESSRS. JOHN LECKIE AND CO.

IN 6 DOZEN CHESTS,

at

RUPEES 30 PER DOZEN.

Bombay, 26th November, 1817.

Advertisement.

Sales by Auction.

ON FRIDAY AND SATURDAY,

the

28TH AND 29TH INSTANT,

the

Undermentioned Articles

WILL BE

EXPOSED FOR SALE

AT

E. Reel & Co's.

AUCTION ROOMS,

Nesbitt's Lane,

VIZ.

SILVER and Plated Ware, Glass Ware, Queen's Ware consisting of Dinner and Tea Sets, Furniture of every description, Madeira Wine, Pale Ale in Bottles, Cyder and Perry, Piece Goods, a great assortment of Europe Paper Books of different kinds, Perfumery, Jewelry and Diamond Stones in the rough, a very fine Buggy, and a few Palankeens.

Bombay, 26th November, 1817

Advertisement.

W. W. BECK *Jeweller, Gold and Silver Smith,* whilst he gratefully acknowledges the liberal support he has hitherto experienced, respectfully begs leave to inform the Public, that, having suffered much inconvenience from outlays of Cash for the purchase of Gold and Silver &c. required to complete the orders of his Customers, he is in consequence necessitated to announce, that in future, he can undertake to execute only such orders as shall be accompanied by an advance of the amount or value of the estimated weight of the Metals, and of the prices of the Pearls or precious Stones comprized therein.

Bombay, 25th November, 1817.

NAUTICAL CHRONICLE and NAVAL REPORT.

BOMBAY.

ARRIVED.—19th. November, Portuguese Brig Ulysses, Commander Joze Joaquim Rapozo, from Brazil. —22d. Grab Ship Futtay Alvadood, Captain William Richardson, from Bussorah Bushire and Muscat.—24th. Ship Carron, Captain David Seton, from Calcutta.—25th. The H. C. Cruizer Sylph, Lieutenant B. Dominiciti, from Bancoote.

SAILED.—23d. November, Brig Ceylon, Mr. Matheyo Troyver, Commander, to Columbo.—24th, Ship Malabar, Captain J. F. Longlands, to the Persian Gulph.

MARRIAGES.—At Kaira, on the 14th Instant, by the Revd. T. Carr, Captain Robertson to Emily Giovanna, youngest daughter of the late John Goodhew Esq.

On Monday the 24th Instant, Mr. Roque Barretto, to Miss Johanna Catharine de Mello.

The Gazette.

WEDNESDAY, 26th NOVEMBER 1817.

We have published, in a supplement, the Bill, as first printed, for regulating the trade between India and the Mediterranean. We are not aware that, in its passage thro' the House, it received any material alteration.

After a very long interval we yesterday received a Madras Paper dated the 25th of last Month.

It is generally understood that Scindiah has signed a treaty of peace, the terms of which were dictated to him by the most noble the Marquis of Hastings. We congratulate our countrymen on this important event.

We have nothing particular to communicate from Poonah. The Ladies who were staying in the vicinity of that city are all returning, as we understand, in safety to Bombay. The Peishwa, it is now said, is not in Poorundar. It matters, however, very little where he is.

We have given, in our subsequent columns, the interesting debate which took place, on Sir Samuel Romilly's motion, relative to Lord Sidmouth's circular letter. The speech of the learned gentleman is replete with talent and research. We are nevertheless sorry, that he lessened the dignity of its character, by indulging in personal sarcasm. His bitter allusion to Mr. Leach is but too manifest, and to us it also appears, from one ironical expression, as if he had, at another time, Lord Ellenborough in his mind's eye. That the circular letter was highly unconstitutional we cannot but think; at the same time we are clearly of opinion that a single Magistrate has the power to commit in the case of a libel.

It will be seen that Mr. Wynn had introduced into the Lower House a very important bill relative to polling at elections. After receiving some alterations it was read a third time and passed.

The Bill for the repeal of the existing laws against Usury has been withdrawn for the present by Mr. Serjeant Onslow, but from what was observed by Lord Castlereagh, it would seem as if Ministers would to a certain degree, at least, support the measure next year.

English Extracts.

MR. KEAN, IN DUBLIN.

The announcement of Mr. Kean brought one of the most crowded houses this season. It was absolutely *crammed.* We own we were glad, independently of the pleasure which we always feel when talent is honored, at the view of the house last night. We really thought that the people of Dublin were stolen away by the ears—that they were music-mad, and that they had not a soul for the severer beauties of Tragedy. But we rejoice to find, that they only want the proper attraction—and that they know how to value, as becomes themselves and him—the performance of such an actor as Mr. Kean.

His *entré* was greeted, as might be easily expected, with the most enthusiastic welcome; and his first speech, given with all that familiar and original boldness and facility, was applauded to the echo that should applaud again. The eyes of this man are truly magical. Those in a remote part of the Theatre, who are not blest with strong sight, can have no idea what wonders he does with the piercing, rapid alterations of this organ. It is the glass of *Banquo.* All the passions in the royalty of nature, appear and vanish on its changing surface. It begins to speak before the lips move, and it occasionally belies the language of the lips. Hence the pauses, which to those who can see the outline of the face alone, appear sometimes uncalled for, or, contrary to the ordinary reading of the text, when accompanied with the pregnant comment of the eye, become in a moment, forceful, and striking. His eye is like a sudden beam of light upon a hidden truth. You do not expect it in a particular spot, but when thrown into strong relief by an adventitious ray, you instantly acknowledge its power and its presence. We do not mean by any means to defend Mr. Kean's Readings. Nay, we think some of them erroneous—but we feel persuaded, that if the eye is watched—if the labouring soul is followed through all the workings of his countenance, much of that censure which has been lavished upon Mr. Kean's new Readings, as they are called, must vanish. One thing, however, should be recollected, that though those Readings occasionally "bring down" plaudits, they are only the secondary beauties of Mr. Kean's performance. If they were all omitted—though we should miss some peculiarities, *Richard,* in Mr. Kean's personation, would be as effective as it is. In fact, it is his peculiarity that has given Mr. Kean such sway and masterdom in his profession—it is the pervading mind—it is the vigour and the soul which pervades and inspires the man—the *mens agitat molem*—the living and exhaustless *light,* the fire in his heart, and the fire in his brain, which glows with such intenseness, and shines out with such brilliancy—*these* are the secrets of Mr. Kean's success; and, when another actor shall be so fortunate as to find them, he may calculate on the same renown.

We have left ourselves no space for particular criticism. Nor, indeed, is it necessary. We are all familiar with Mr. Kean's *Richard,* and should only repeat what has been said a thousand times by an induction of particulars. Suffice it to say, then, that it was bloody, bold, and dangerous—that the sarcasms were given with infinite bitterness, and the hypocrisy maintained with consummate address. But it is in the fire, and stir, and bustle of the piece that Mr. Kean, to use a familiar term, is at home—that he blazes, and burns, and goes out at length, like a Volcano, with an explosion that is tremendous.—*Dublin Evening Post.*

The Courier.—June 5,

The *Sixth Report of the Select Committee on Finance* was delivered this morning: it relates entirely to the Naval Service. The Committee enter into a general view of the great heads under which the Estimates are prepared, and afterwards some examination of the more detailed items.

1. *The Wear and Tear.*—A greater naval establishment was to be expected than at any former peace, and if the force intended to be employed shall answer the general wants, your Committee see no reason to apprehend that it will in any degree exceed them. There is another consideration also, which, even if the same extent of duties only existed, would account for the employment of a somewhat greater number of men than on former occasions. The other maritime nations have, during the last 25 years, gone on increasing the size of their ships, which has of course obliged this country to act upon a corresponding system. The classes of 64 and 50-gun ships have almost disappeared, and have been replaced in other maritime countries by ships of 74 guns; their frigates and sloops have been enlarged, and it is advisable that our ships of war should not be in any degree inferior to the ships of other Powers. This involves an increase in the complements of ships in commission.

The amount of force afloat for the year is as much reduced as could be reasonably expected.

2. THE ORDINARY ESTIMATE.—*Admiralty Office*—The Emoluments of the Secretaries appear not to go beyond the importance of their situations, and of the ability required for filling them, with the exception only of an increased allowance during war. This, in the opinion of your Committee, is founded on an erroneous principle, and leads to difficulty and inconvenience in practice. It can hardly be supposed that persons, in the situation of Secretaries of the Admiralty, can turn any occasional leisure which a state of peace may afford to them, to any purpose profitable in a pecuniary sense; and the great difference which may exist in the extent and nature of the wars in which this country may be engaged, renders that which, in one case, would be inadequate (if the mere scale of labour is to be the measure of salary,) in other instances, excessive. Your Committee therefore concur with the opinion expressed in former Reports, and upon which the House and the Government have acted in almost every other instance, that this distinction is highly objectionable, and ought to be abolished. It is impossible for your Committee to enter into the minute details of the business transacted in the Admiralty Office; but they have been assured, and they see no reason to doubt the assertion, that hitherto the diminution in the number of clerks has kept pace with the diminution of labour in that Department.

Navy Pay Office.—The Committee hope that a very considerable reduction in the establishment will be deemed practicable.

Navy Office.—The Committee are far from being satisfied that so many Commissioners of the Navy are requisite in time of peace, even with the addition of labour which the Transport Service has imposed on this department. It appears to your Committee (although a contrary opinion is intertained in the Office), that the three divisions of the General Board, consisting one of four Commissioners, and the others of three, might each be reduced to two members without inconvenience to the public service, and that the difficulties stated against this proposition are merely technical.

Greenwich Hospital.—The Hospital and Chest, notwithstanding the immense claims made upon them, have been able to accumulate a capital in the Funds of not less than 3,760,000*l.* 3 per cents. But as the peace diminishes the principal sources of revenue, while the claims on the Hospital are largely increased, it is clear that the funded property cannot be expected to last beyond a limited number of years, and that then a very great annual expence will fall upon the public.

Since 1814, a system of registry of seamen has been adopted, and of the 32,000 out-pensioners now on the books, not less than from 12 to 15,000 are capable of active service afloat, and a further number might be found useful for shore or harbour service. The Committee recommend Government to pay a minute practical attention to the operation of this part of the system.

Buildings and Repair of Ships.—Considerable exertions are now making for a complete renovation of the fleet by the construction of new ships, and by thoroughly repairing all such as are judged to be in a state sufficiently good to warrant so great an expence: and they think that there is no object upon which the House will be less disposed to call for a parsimonious expenditure than on this.

Works in the Yards—The Committee approve highly of the policy of constructing the Arsenal of Sheerness on a large & systematic arrangement capable of answering the public wants of the country—affording a safe anchorage for the ordinary in time of peace, and a convenient port of outfit and refit for squadrons employed in the North Sea. They speak warmly of that great national work the Breakwater in Plymouth Sound.

[*The Courier June 30.*

HOUSE OF COMMONS.—JULY 15TH

COPY-RIGHT.

Sir E. BRYDGES rose, pursuant to notice, to move for a Return of the Books claimed by the Universities, and other Learned Bodies, under the Copy-right Act of the 54th of the Kings, stating what Books were placed in the Libraries of those Bodies, and elsewhere.

After a few words from the CHANCELLOR of the EXCHEQUER,

Mr. PEEL observed, that the first part of the Hon. Baronet's motion would be better answered from Stationers' Hall, while the Return must be much less voluminous than if made from all the Public Bodies alluded to.

Mr. CROKER concurred in this opinion.

Sir E. BRYDGES said, that the House had already a Return from Stationers' Hall; but his object was to ascertain what use was made by the several Public Bodies of the books they obtained from that Hall; and he believed that those Bodies had a copy of every work published, excepting only novels and music books.

Mr. PEEL remarked, that upon the Hon. Baronet's own shewing, it was only necessary to adopt the latter part of his motion.

Mr. R. SMITH saw no necessity for altering the words of the motion, because, in the Return from the Public Bodies referred to, the books obtained from Stationers' Hall must necessarily be enumerated.

Mr. WM. SMITH thought that books thus obtained by the Universities, or other public bodies, should be placed in their several libraries for general inspection, instead of being consigned to cellars, and, as he understood, afterwards sold for waste paper. Such a disposition of these books was, in his opinion, quite inconsistent with the object of the Copy-right Act.

Sir WM. BURROUGHS suggested an Amendment in the Motion, but after a few words from Mr. D. Gilbert and Mr. Lockhart, the former asserting that books were never sold, to his knowledge, as waste paper at Oxford, and the latter protesting against the doctrine of Mr W. Smith as to the exposure in University libraries of every book obtained from the Stationers Hall, for many of such books might be very unfit for general Inspection, the following amended motion of Sir E. Brydges was agreed to, namely, that a return should be made of the books claimed by the several Universities, and other public bodies, stating such as were placed in their libraries, or how otherwise disposed of.

[*The Courier.—July 2.*

JUNE 24TH.

POLLING AT ELECTIONS.

Mr. W. WYNN made his motion for leave to bring in a Bill to shorten the duration of Polls at the Election of Members to serve in Parliament. He felt it his duty, even in the present stage of the business, to state what were the improvements he proposed to introduce in the Bill, and the grounds for the alteration he was about to solicit the House to adopt. In the first place, he hoped it would be necessary to say but little upon that system so universally complained of, namely, the shameful procrastination which so often took place relative to the duration of polling votes upon elections. It had been long a matter of serious inconvenience, and could not be too speedily remedied. He himself had known an instance in an election for Devonshire, where the poll had been kept open for the space of three days, and only 18 votes had been polled all that space of time, it being sufficient, according to the present state of the Law of Election, to keep the poll open, that one vote should be polled each hour appointed for polling votes. In this respect he should introduce a most material change, which he hoped would not only meet the wishes of the House, as counteracting the enormous expense of elections under such circumstances of delay but be productive of great national advantages. His second object was, to exempt the candidates from the weight of the expense of the election—an expense which had been the ruin of so many of the very first gentry in this country, and which prevented any person from being a competitor for the honour of a seat in that House, except his purse was long, whatever might be his pretensions or his talents in other respects. The expense, he intended to propose, should fall upon the counties or places sending representatives. The third object of the Bill was, the necessity of providing against an evil which had crept into our Election Laws—that in case of the decease of one candidate during the poll, the other was declared the sitting Member. Now, it might sometimes happen that this candidate, thus unexpectedly successful, might be the most obnoxious and unpopular person in the whole county, and might become Member from this accident, in despite of the wishes of the whole city, county, or borough. By the Election Laws of Ireland, a heavy penalty had been imposed upon persons wearing cockades or elective favours—a wise regulation to prevent any rallying symbol for riotous or outrageous proceedings; and if it should meet the opinion of that House, a similar clause was to be introduced into the Bill, he should have the honour to submit to the House.

After a few words from Mr. CURWEN, Mr. LONG, Mr. BUTTERWORTH (who, as Member for Coventry, remonstrated against the proposition for relinquishing the practice of giving away ribbons), the LORD MAYOR (who stated the present depression of the ribbon trade), Mr. F. DOUGLAS, and Mr. BENNET, leave was granted.—Mr. WYNN subsequently brought in the Bill, which was read a first time, and ordered to be read a second time on Monday, and to be printed.

Sir J. MACINTOSH presented a petition from certain persons suffering from the confiscation of their property at the attack on Copenhagen in 1807. An application had before been made for relief, on the ground of the amount of droits received by the Crown. In this case the Crown had derived an unparalleled emolument, nearly two millions, from the very act which caused the loss of the petitioners; and that under very special circumstances; for these droits were in fact the return cargoes of the petitioners, whose claim was now only 100,000*l.* They were the more justified in expecting some remuneration for the compensation that had before been paid for losses of the same sort in Spain, and the speech made by a Noble Lord (Sidmouth) on that occasion, who expressed his opinion that the claims ought to be satisfied. The objection to the claim was, that it might be a precedent for such application in future wars. To this, the Spanish remuneration was a complete answer; and to the objection, that the allowing these claims would be recognizing the principle, that a foreign power had a right to confiscate, he contended that the granting the prayer of this petition could not be such recognition; he therefore moved that it should lie on the table.

Lord LASCELLES thought, on a general principle, that merchants could not call on their Government for an indemnity against such losses; yet that the case of the petitioners was very peculiar, and that hostilities having been commenced without notice, they were taken by surprise: he had therefore heretofore supported their claims, and should do so on the present occasion.

The petition was read, ordered to lie on the table, and to be printed.

The Bill for regulating Polls was read a first and second time; to be committed on Monday.

[*The Courier,—June 25.*

REPEAL OF THE SEPTENNIAL ACT.

Mr. BROUGHAM, in postponing his motion on this subject, which stood for this evening, wished to offer his reasons for so doing. He did not withdraw the motion because the subject was not one of the most pressing emergency, but having been prevented from time to time, by the press of other business, from bringing it before the House, he found that if he were now to take the first open day, he should be doing the cause no service, as the attendance at this late period was likely to be so thin. He should, therefore, better discharge his duty to the House and the subject, by giving a general notice of his intention to bring it on at an early period next Session.

JUNE 25TH.

LORD SIDMOUTH'S LETTER.

Sir S. ROMILLY said, it would not be necessary for him to make any apology to the House for calling their attention to the Letter which Lord Sidmouth had some time ago addressed to Lord Lieutenants of Counties. If any apology on this subject was due from him, it was rather that he had allowed so long a period to elapse before submitting so important a matter to their consideration. This had not proceeded from any indifference or insensibility to so important a subject, a subject which involved considerations of the greatest importance with respect to the security of the subject, the liberty of the press, and the administration of justice. But he thought the question was one which required much consideration before bringing it before the House, for he knew well that these were not favourable times for bringing forward questions with regard to the liberty of the people. He was aware of the address and skill displayed by those who were not favourable to the rights of the people, in taking advantage of every stand made by the friends of these rights, when any of them were encroached on, and making it a pretext for depriving the people of the remainder. If, therefore, he brought the subject before them, notwithstanding the dangerous consequences with which his motion might be attended, it was because if such a precedent were to pass without a single person in the House of Commons—the guardians of the liberty of the subject—raising his voice against it, the danger would be greater than that with which any proposition which he could make in the House could be attended. The House were well aware that the letter from Lord Sidmouth to the Lord Lieutenants of Counties, dated the 27th of March last, to which he was now calling their attention, was a letter in which he desired them to inform the Magistrates what the law on the subject of libel was: that they had a discretionary power to commit persons for the offence of Seditious or Blasphemous Libels; and that having informed them of this law on the authority of his Majesty's Law Officers, he proceeded to direct them, or what was the same thing, to recommend to them how that discretion ought to be exercised. Now, this proceeding, on the part of my Lord Sidmouth, formed the subject of the present motion. Supposing the law was quite clear on this subject—supposing that there was no doubt or difficulty on the subject, still it appeared to him that the circumstance of a Minister of the Crown, recommending or suggesting to Magistrates how they ought to exercise a discretion vested in them by law, was irreconcilable with the principles of the Constitution, for the pure administration of justice. But what if the law, instead of being clear, was extremely doubtful? And further, if he represented that as law for which no warrant or authority could be adduced? But supposing a Justice of Peace had the power by law of committing or holding to bail for seditious or blasphemous libels—supposing this a matter subject to no doubt whatever—he would ask, when a Magistrate had a judicial discretion, whether a Secretary of State could be allowed to take on himself to interfere with that discretion, and to direct Magistrates how that discretion ought to be exercised? That this was the effect of the Letter there could be no doubt. The words were, "I beg leave to call your Lordship's attention very particularly to this subject; and I have to request, that if your Lordship should not purpose to attend in person at the next General Quarter Sessions of the Peace, to be holden in and for the county under your Lordship's charge, you would make known to the Chairman of such Sessions the substance of this communication, in order that he may recommend to the several Magistrates to act thereupon in all cases where any person should be found offending against the law in the manner above-mentioned." That is, that in all cases where any person was charged with a libel, he should be committed to prison or held to bail. Nothing could be so dangerous to the liberties of the country, as for the Executive to interfere in subjects connected with the administration of justice. For Government to interfere and tell the Magistrates how they were to exercise their discretion, was he conceived, a most unjustifiable act. It was, in fact, taking from the Magistrates all discretion whatever, and telling them to exercise the power vested in all cases whatever, without any regard to any particular circumstances which might belong to them. This was neither more nor less than Government taking on itself the exercise of the judicial power. In 1811 a question had been put by an Hon. Friend of his, with respect to the execution of an Act passed some time before with respect to Ex-officio Informations. In 1808 a Bill was brought into the House by Sir Vicary Gibbs, when he was Attorney-General, in which a power was given to the Judges of the Court of King's Bench, on an application for an Ex-officio Information by the Attorney General, to hold persons to bail. The Attorney-General declared that this was a discretion which ought rarely to be exercised. Although in the three years from 1808 to 1811, there had been no fewer than forty cases of Ex-officio Informations for libels, yet that there was only one of these cases in which that discretionary power of holding to bail ought to have been exercised; that was the only case which, in his opinion, justified the exercise of this discretionary power. The only one of the forty cases in which the Attorney General had exercised the discretionary power was this—that a person after a criminal information had been filed against him, published a new edition of the libel (the case of O'Gorman, for publishing Major Hogan's appeal.)—The Attorney-General thought that the discretionary power ought not to be exercised, unless under such extraordinary circumstances. And yet the House would observe, that the Secretary of State thought this discretionary power ought to be exercised by Magistrates in all cases whatever. Since 1793, when there were a great many complaints for libels, and a number of prosecutions were carried on by the present Lord Chancellor, then Attorney-General, there was not a single instance in which it was thought advisable to exercise this power; and he thought that this might be considered as strong evidence that no such power existed. In not one single instance was any man held to bail for libel. So that even if Magistrates had such a power, did not, he would ask, the whole current of authorities shew that it was a power which ought most rarely to be exercised, and to be reserved for extraordinary occasions? What, he would ask, would they think of a Justice of Peace, who should declare beforehand his intention to consider all publications brought before him, as seditious and blasphemous libels? He would say, if such a case were brought before the Lord Chancellor, he would not be doing his duty if he did not strike his name out of the Commission.—(Hear, hear, hear.) But this was precisely the course which the Secretary of State presumed to dictate to the Magistrates, as proper for them to follow. But what would be said if the Law was one of an extremely doubtful character? What if it appeared from the words of the Secretary of State himself, that the law was doubtful? The Secretary of State delivered this injunction, not on his own authority, but after consulting with the Attorney and Solicitor Generals. And even the Attorney and Solicitor Generals on being consulted, that the Secretary of State might not be too confident, had nothing better to state, than that in Wilkes's case it was not decided that Magistrates had not that power; and that there were two other cases where judgment had been passed in silence. This was giving the Crown a power to declare what a doubtful law was. There were a great many points which remained in doubt and great obscurity. If the Crown were authorised to declare in such cases what the law was, this whould be at once making the Crown superior to the Legislature. He had always understood there were two ways by which doubtful points might be cleared. The one was by a declaratory law passed by King, Lords, and Commons; the [illegible] an opinion delivered by the Judges, when the case was regularly brought before them. The Crown had attempted formerly, by the unconstitutional proceeding of getting extrajudicial opinions of the judges, to subvert the justice of the country, in the reigns of the Stuarts. In what respect did the proceedings in the reign of Charles the First, with respect to the obtaining the opinion of the Judges as to the legality of raising Ship-money, differ from the present case, except in what was disadvantageous to this? Charles the First being desirous to dispense with Parliaments altogether, endeavoured to find out other means of raising a revenue independent of Parliament.—The Attorney-General, Noy, who was stated by Lord Clarendon to have been brought over, endeavoured to find out other means by which the Crown might be authorised, in cases of necessity, to raise money from the People. But even the opinion of so great a lawyer as Mr. Noy was not considered as a sufficient authority. All the Judges were assembled, and their opinion on the subject obtained from them. This opinion was recorded in all the Courts of Westminster-hall, and the Judges were directed to publish it as the law at the assizes in the different counties. But the opinion of the twelve Judges taken on any point of law ought not to establish the law, unless they heard all parties previous to pronouncing their opinion. The objection in this case was, that the Judges had not the assistance which they ought to have had before declaring the opinion. If there had not, however, been a man in those days—a man whose sacred memory, as was said the other night, it was now becoming fashionable to libel [hear, hear!]—if it had not been for John Hampden, this opinion of the Judges would have passed as the law of the land. But this man had the courage and honesty to call it in question; and the case was argued before 12 Judges, 10 of whom were corrupt enough, against their conviction, to adhere to the former opinion. All of them, but Lord Croke and Hutton, whose names formed so honourable an exception, either from corruption, self love, or an esprit de corps, decided in favour of the Government of that day. The same thing was done in other times, and particularly in the reign of Charles II. Lord Chief Justice Scroggs who was worthy of delivering such an opinion, declared that the twelve Judges had signed an extra judicial opinion that to print or publish any books or pamphlets was illegal, and might be proceeded against as contrary to law. What was the difference between these cases and the present, except that the opinions were then published on better authority than at present? Because, though they had not the advantage of hearing Counsel on both sides, who might be supposed to make the most of the subject, the twelve Judges were much better authority than an Attorney and Solicitor-General, and much more likely to give an honest opinion. In a question respecting the liberty of the press, or the rights of the people, an Attorney and Solicitor-General were the very worst authorities that could be adduced. It had been truly said by the biographer of Bacon, that the offices of Attorney and Solicitor-General had been rocks on which many men had shipwrecked their virtue. There were striking instances of this in the cases of Sir Edward Coke and Sir Francis Bacon himself;—the one the greatest ornament of the profession of the law, the other the greatest honour to his country and his age. Never were there scenes of baser servility and cruel persecution than at the times when these great men filled the office of Attorney-General, though one of them (Lord Coke) afterwards discovered great judicial virtues, and was the only one of the Judges who, having declined giving an extra-judicial opinion in the case of Commendams afterwards refused to make a submission to the Privy Council on his knees. Yet Attorney and Solicitor-Generals were now held up as oracles, so disinterested as well as so learned, that on their authorities alone decisions as to doubtful points of law might be promulgated!—This was not the only instance in which their opinion had been thus promulgated. There was a doubt whether by the Act of Parliament the militia might be kept embodied after the termination of the war. Lord Sidmouth then wrote a letter to the Attorney and Solicitor-General, and the answer was returned within 24 hours in something like the following terms:—"Having received your Lordship's letter of yesterday, in which you state that a doubt has occurred, whether it be lawful to keep the militia embodied, &c. we are of opinion that it is lawful." So that these Gentlemen, without any time to consider the subject, returned without delay the opinion which was to serve as law for the whole country. In the present case the opinion was drawn up in a way to lead one to imagine that it had been the result of great deliberation. Instead of referring to the Commission of the Peace, or tracing the origin and extent of the power of Justices, they mention the case of Wilkes, in which they said it had not been decided that Justices could not hold to bail, and the cases of Hogg and Spence, in which the Justices had exercised that authority, and in which it had not been called in question. The opinion was loose and vague, but he did not on that account blame its authors; but what should they say to the Secretary of State, who, on the authority of such an opinion, thought fit in a manner to legislate to the whole country, and that too in a manner in which it was instantly promulgated to every Magistrate. If it had been done by means of the Judges, it would not have been done half so quickly: if it had been done by means of statute,

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[illegible]ot have been done half so effectually. Not only was this doubt solved, but the Magistrates were called on immediately to carry the law into execution. They had formerly heard of the Judges giving advice on matters of law, to the Executive, here the Executive took upon itself to give advice to the Magistrates.—(Hear!) If this was to be the case, if on the simple opinion of the Attorney or Solicitor-General, doubtful matters of law were to be solved, and the Magistrates to be called upon to act confidently on their decisions, it became the duty of the Legislature, to see that men eminently well-informed in legal knowledge, should be appointed to an office which had such important judicial duties to perform, that no men should be appointed who were not deemed fit to be called to preside in the Courts; but who, after a long period, might be called to fill the situation of a Puisne Judge. What should they say if an opinion on a doubtful matter of law were sent out to the country as determined, on the authority of a Puisne Judge? But they would not be less dissatisfied that the case should be decided by persons who were only candidates for that office. Nothing was further from his mind than any reflection on the last appointment of this nature; he believed that promotion (to the Solicitor-Generalship) was eminently honourable to all parties concerned in it (hear). The Gentleman who had obtained it had not bowed his way into the situation; he had not gained it by his servility, nor had he made a show of opposite principles to those of his Majesty's Ministers in order to be bought over. (Hear.) But the Attorney-General by his office, was a person most unfit to decide in these cases. He did not, like the judge, take an oath to administer the law equally between the Crown and the subject, but to promote the service of the Crown. Sir H. Spelman, no mean authority in these cases, said of the Attorney-General—"Attornatus Regis qui causas forenses Regis non solum promovet sed fortissime tuetur." Many are the instances were in which the Crown by its effects had attempted to stretch its power beyond due bounds, and to warp the law to bad purposes, there was hardly any instance in which the Secretary of State had thus undertaken to promulgate an opinion on a point of law; there was one instance indeed in the worst year of perhaps the worst Monarch who ever reigned in England, Charles II. In 1684 Secretary Middleton wrote to the Lords of Justiciary in Scotland, to take examinations upon oath of the persons committed for high treason, previously to their trial. Sir Geo. M'Kenzie, Lord Advocate of Scotland at that time, was base enough to defend this act in his notes on the Scots Statutes. He had observed that it had been objected that this might prejudice the Judges; but he asked who would suppose it possible that the Judges could be prejudiced? (Hear and a laugh). To such legal and constitutional doctrines it was probable we might soon again arrive. It was his intention to propose to the House two Resolutions which he should read; 1st That it is highly prejudicial to the due administration of justice, for a Minister of the Crown to interfere with the Magistrates in the execution of their duty, when a discretionary power is by law supposed to be invested in them.—2d, That it tends t the subversion of justice for a Minister of the Crown in his official character to declare to the Magistrates the law, and that his declaration becomes the more alarming in cases which affect the security of the subject and the liberty of the press, and especially when it is promulgated on no better authority than that of the Attorney and Solicitor General. The Hon. and Learned Gentleman then went on to condemn the conduct of the Executive Government, in taking upon itself to solve any doubts as to what was the law upon such points. What would be the consequence of giving Magistrates the power of committing any person who might be accused on the oath of a common informer of having made a blasphemous or seditious publication? It would be an alarming feature in the times, that would abolish entirely the liberty of the press, which had existed ever since the time of Charles II. He was ready to think that the Attorney and Solicitor General were not aware of the use that was to be made of their opinion; or if they were, nothing could rescue their tameness in making such a submission. The Learned Gentleman went at considerable length to shew the extent of the jurisdiction of the justices of the Peace, in order to prove that, by following the directions of the Secretary of State, they overstretched their authority; for, if they did possess such authority, how came it that they were never called upon to exercise it before? He alluded to the case of Gale Jones and others, in 1794, who were never troubled by the Magistrates, because the Solicitor-General of that day never entertained an opinion that there was such a power existing. After quoting a variety of ancient authorities as to the power of Magistrates, and the source from which it was derived, the Learned Gentleman concluded with observing, that, till the reign of William and Mary, they had not the right of committing any person, unless he were indicted even for felony, but only to examine him on the charge. Sir Robert Sawyer said, in the case of the Bishops, that there had not been a man committed for a libel for fourteen or fifteen years. In fact, there was direct authority for Magistrates committing for a libel, before, by the Act of Charles II., any book or paper without a licence, this doctrine came to be established, to overturn the liberty of the press, the liberty of the subject. It was a measure for which not merely the Secretary of State was responsible, but the whole Administration; and when our posterity compared the Constitution they enjoyed with that their forefathers had established, they would have the satisfaction to reflect that there were some persons who would not suffer those gradual intoads to be made upon it without exposure and resistance. The Hon. and Learned Gentleman concluded with moving for an Address for a copy of the case on which the opinions of his Majesty's Attorney and Solicitor-General were taken on the 24th of February last, and also with reading his two Resolutions.

On the question being put,

The ATTORNEY-GENERAL set out with asserting, that no Parliamentary ground had been laid for the adoption of his Hon. and Learned Friend's motion. But he could not conceive the ground upon which such a motion could be sustained, or upon which the House would be warranted in calling for the production of any case which Government might submit to the consideration of the Crown Lawyers. There was, however, in this instance, no necessity for the production of the case referred to, because the opinion of the Crown Lawyers, which was before the House, was quite sufficient to elucidate the merits of that case, and to enable the House to decide upon it. Therefore, he thought the House, unless some very strong Parliamentary ground were made out, would feel very much indisposed to violate the confidence between the consulter and the consulted. Such a violation would indeed be held contrary to practice and principle, in either a public or private case. For himself, he declared, that nothing should ever induce him to violate any confidence reposed in him, by those by whom he had the honour to be consulted. On these grounds he would resist the motion, convinced that the production of the case alluded to, would be improper and unnecessary, whether the opinion which rested upon it were right or wrong. As to what the Learned Mover seemed to say respecting that opinion, namely, that the Law Officers of the present day had betrayed a disposition to imitate the conduct of the Judges in the reign of Charles II. by giving extrajudicial opinions, he would assert that those Law Officers did no such thing, nor did they feel any such disposition. They gave their opinion to those who asked for it, and that opinion was, he was prepared to shew, prefectly consonant to the Law and the Constitution. Although the Law Officers were called elsewhere the paid servants of the Crown, he would say that no payment could withdraw them from the conscientious discharge of their duty, by giving, on all occations, that advice which was warranted by law. But it was known that whether in public or private cases, that Lawyer who would give a convenient opinion merely to suit the desire or gratify the wish of his client, without any view to the law of the case, would manifest an indifference to the interests of his client, as well as to the preservation of his character, and the practice of his profession. The conduct of Law Officers was, however, it appeared in the opinion of the Learned Gentleman, entitled to little confidence, or consideration, because truly their judgment was subject to bias. But there were, he thought, names to be found among those who were Law Officers, which must claim the respect and consideration of the Learned Gentleman. There were Coke and Bacon, for instance, who notwithstanding their aberrations, had manifested such manly independence as well as legal learning, as could not be too highly estimated. Yet, according to the Learned Gentleman, the judgment of Crown Lawyers was so liable to be warped by their situation, that that judgment was quite suspicious. But, did the Learned Gentleman deem such a suspicion applicable, when he himself was one of the Law Officers of the Crown? He (the Attorney-General) was convinced of the contrary, and that the Learned Gentleman, at the time he held that office, was in no degree jealous of his own honour, or suspicious of his liability to deviate from rectitude through the operation of any undue influence.—Why then should the Learned Gentleman entertain such jealousy or suspicion with regard to others? He did not pretend to enter into competition with the Learned Gentleman as to the extent of legal learning, or depth of political sagacity, or power of forensic reasoning, but he would not yield to the Learned Gentleman, or to any other human being, upon one point, namely, the conscientious discharge of professional duty *(hear, hear.)*—From this discharge he felt confident, that he was not to be withdrawn by any sinister influence, or deterred by any public clamour. No clamour of calumny, indeed, should ever restrain him from the declaration of his opinion, & in this case he had no hesitation in stating his deliberate judgment upon the best consideration of the subject, that a Magistrate could legally commit and hold a man to bail for the publication of a libel. But although such committals had frequently taken place in the course of our history, and been brought before our Courts of Justice, the fact was, that no question was ever raised as to the validity of the doctrine which he maintained. If, indeed any person were committed by a Magistrate for the publication of a libel, and that he deemed such committal illegal, it was open to him to have himself brought up to the Court of King's Bench, by Habeas Corpus, or to institute an action for false imprisonment. In various instances upon record, persons so committed had been brought into Court by Habeas Corpus; but in no instance was the legality of the Magistrate's warrant impeached upon the ground laid down by the Learned Mover, namely, whether a person committed or held to bail for a libel, before indictment found, was a legal proceeding. The Learned Gentleman did not question the power of the Secretary of State to issue warrants, or hold to bail, in the case alluded to; nor could he, since the 43th of the King, question the existence of that power in the Judges; but the Learned Gentleman denied that any authority could be quoted in support of the opinion that such a power belonged to the Magistracy. He would however, shew, from the practice that had prevailed, as well as from the decisions of the Courts, and the dicta of the text writers, that the doctrine impugned by the Learned Gentleman, was fully established. In the first place he would state, upon the authority of Lord Hale, by whom it was distinctly laid down, that Magistrates had the right of holding to bail for any offences which were within their cognizance at the Sessions, and that the trial of libels was comprehended in that jurisdiction, could not be disputed. Lord Hale's doctrine was then as clear and broad as possible in support of the opinion to which he subscribed, in opposition to the Judgment of the Learned Gentleman. He agreed with the Learned Gentleman that the right of issuing a declaratory law belonged to Parliament alone. But the opinion referred to could not be regarded as a declaratory law; for it was merely a question as to the exposition of the law, and the validity of the exposition, which he and his late colleague thought justifiable, might be brought under the consideration of a Court of Law, or, by Writ of Error, before the House of Peers. The power of the Secretary of State to hold to bail for libel being admitted by the Learned Gentleman, he would maintain that the power of Magistrates stood on the same footing. Such indeed was the judgment of Courts of Law in various instances; in the case of the Queen v. Darby, and that of the King v. Erberry, in both of which the defendants, who were committed upon the warrants of Magistrates for the publication of libel, were brought into the Court by Habeas Corpus, and bound to enter into recognizances. Upon being so brought up, it would be recollected that no question was raised as to the legality of the Magistrate's warrant, or as to his right to hold men to bail (before indictment) for the publication of a libel. And could it be doubted that such a question would have been raised, if it were at all tenable in the opinion of the Lawyers who acted for the defendants. But the cases which he had referred to were strengthened by what took place upon Wilkes' case, when lawyers and solicitors were so peculiarly active in starting objections against the detention of the prisoner. Yet no one had then attempted to dispute the right of Magistrates to hold a man to bail for the publication of a libel. The doubts of Serjeant Hawkins as to the power of Magistrates to hold to bail, referred, he contended, only to suspicion of crimes whether as to felony or misdemeanor. The Learned Gentleman quoted the opinion of Sir Samuel Eyre upon the case of James Dyer, committed for a libel; upon a Magistrate's warrant, in 1794, as well as the case of Jane Bradford, so committed in 1720, and that of Mary Dalton, so committed upon a warrant of the Recorder of London in 1721; and he submitted, that if in these cases the warrants were deemed illegal, the prisoners would have been at once discharged by the Judges before whom they were brought by Habeas Corpus, instead of being held to bail, as was actually the case. But there were several other similar cases on record at the Crown Office, which he did not think it necessary to quote in support of his opinion. The Learned Gentleman had expressed a doubt as to the opinion of Lord Eldon upon this subject, but if the Learned Gentleman would refer to the Debates upon the Act which passed in the year 1808, he would find from the express sentiments of that Learned Lord, which were in concurrence with those of Lord Ellenborough, that his doubts were totally unfounded. With respect to the opinion before the House, he regretted to find that some misunderstanding seemed to prevail as to its interpretation and object. By that opinion it was meant, that after the charge upon oath, preferred against any person publishing a libel, the Magistrate himself should see and examine the alleged libel, before he issued a warrant for the arrest of the accused—that indeed the Magistrate was bound to consult his own discretion, subject to due responsibility, before he granted any such warrant.—He denied that merely desiring the Magistrates to put the law in force, was an interference with the administration of justice. As to the jurisdiction of justices in matters of Libel, if they had not legally such a power as they now exercised, any person might publish the grossest and most atrocious Libels; they might be publicly sold, and placards of most seditious and inflammatory descriptions might be struck up at the corner of every street with perfect impunity, if they could not be touched by some process like the present, before an indictment was laid. He would ask, how they were to find the itinerant venders of such pernicious publications at the ensuing Term, supposing there were no authority by which they could be immediately committed or held to bail? And, with regard to the Circular of the Noble Lord, it should be recollected, that at the time when that instruction was issued, cheap publications of the most offensive and blasphemous nature, were industriously disseminated all over the country. They were sold at a penny a-piece, with a view to place them within the reach of the lower orders of society, whose minds it was the most anxiously sought to contaminate. Yet, by inference from the Motion of the Hon. and Learned Member, it was now contended, that it would be good policy to prevent justices of the peace from having a summary jurisdiction in such cases He maintained, that what had been done by the Noble Secretary of State, was fairly and constitutionally done; and the opinion given by the Law Officers of the Crown, was warranted by the best legal authorities this country had produced. Under these circumstances he should feel it his duty to oppose the Motion.

Sir. W. BURROUGHS in reply to the arguments of the Attorney-General, contended that he was not borne out by the writers to which he had referred, in the construction which he had put upon the law. In the present case usage would not establish the legality of the course which had been pursued, and he would deny that even the usage had been proved. The statute on which the Attorney-General had justified the opinion given by the Law Officers of the Crown, was, in fact, an authority against him, and there were no authorities which could justify the use of that power which Lord Sidmouth had assumed; and which went at once to invade the freedom of the press and the liberty of the subject.

Mr. HILEY ADDINGTON felt it his duty to take the earliest opportunity of rising on this occasion, because he was perhaps the only person in the House competent to explain the special reasons which had induced his Noble relative to issue the circular notice which was now brought into question. In the first place, it was natural for him to rely on the experience, the learning, and the character of the Crown Lawyers; acting upon their advice, and the information which he received in his public capacity. The danger represented was of a doubtful and mysterious nature: this would be admitted, without any particular reference to the time when it first displayed itself, or when the securities against it were first established. Few would deny that the most flagitious designs had been entertained by considerable numbers against the constitution of the Government, and against the existing system of society. Contempt of all Government, and blasphemy against all religion, were the disorders to be corrected: and which, in his opinion, could only be corrected by provident and vigorous measures. The Constitution might be laid open in the broad sunshine of day, but in seasons of darkness and tempest it behoved them to defend it with unusual earnestness and minute care. He could assure the House, that his Noble relative had not made up his mind to the decision of submitting this measure to Parliament, until he had been solicited by applications and entreaties from all parts of the country.

Mr. COURTENAY thought it dangerous in the extreme for the House to sanction a principle like that which the Circular of Lord Sidmouth involved, and which had been upheld by the argument of the Attorney-General. He was far from imputing any improper motive to the Noble Secretary of State for the Home Department, but having a difficulty to meet, he was of opinion that he (Lord Sidmouth) had not taken the best mode of meeting it.

Sir C. MONCK contended, the Secretary of State had no right to make use of that opinion which he had obtained for the regulation of his own conduct, to influence the Magistrates in the discharge of their duty. He did not impugn the opinions given, but he was inclined to think Lord Sidmouth had no more right to use them to controul, to drive, or to lead the Justices of the Peace, than he had to use them for the same purposes, in order to influence the decisions of the Judges.

Sir F. BURDETT said, he had waited in the hope of hearing something from the legal advisers of the Crown what might have rendered it unnecessary for him to trouble the House; but in the first instance he must contend, that the law of the land was, that no person should be imprisoned till he had undergone a trial by his Peers. The contrary fiction, he would not call it law, was borrowed from the Civil Code, or rather from that infamous Court of Star Chamber, which had degraded Englishmen till its despotism led to its distruction. But if the present system had been the law of the land before, why was a Bill brought in to make *ex officio* informations legal? Now a man was compelled to swear to a point of law, whereas in former cases there was a *corpus delicti*, a real offence; and therefore there was no subject upon which the House were so called on to protect the people as in cases of charges for libel. It was now considered that the bare intimation of the Attorney-General was equivalent to law, and to be acted on as such, though nothing could be imagined more abhorrent from the genius of the Constitution. If proof of the effects of this doctrine were demanded, we had a recent instance of it in the imprisonment and acquittal of a person yet confined, through the imprudent zeal of the Judges. He should have a Petition to present from that person (Wooler) to-morrow, complaining of his situation and seeking his remedy from the justice of the House. Attorney-Generals, he would maintain, were always in situations to be suspected by the people. But from the Learned Solicitor General's not coming forward on this occasion, he could not help thinking that he did not coincide with the opinions of his Learned Colleague; and that he was not prepared to support the acme of law which that Right Hon. and Learned Gentleman had attained to. But was the country to be regulated by a Circular from a Secretary of State, who had proved himself not over conversant with the Constitution of the country? The Learned Gentleman was himself not aware that the House could compel him to a breach of confidence of which he boasted, and make Mr. Attorney lay the grounds of his opinion before the House. But how unfair was it in Ministers to lay Mr. Attorney's opinion before the Public, without the grounds of it! In his opinion, the Gentlemen in office did not deal fairly by each other. No measure, he was persuaded, would tend more to shake the confidence of the people in that House than the knowledge that they had refused to accede to the very simple motion of his Honourable and Learned Friend.

The SOLICITOR GENERAL could assure the Hon Bart. that his mind was wholly unbiassed and unfettered upon this subject, and he had no doubt whatever of the soundness of the opinion which the officers had given. If that opinion were a sound one, he must confess that he had heard no argument to convince him that the interference of the Secretary of State had been unconstitutional or unprecedented. Had we never found that proclamations had been issued (*hear, hear, from the Opposition*) to call the attention of magistrates to the state of the country? Was it to be tolerated that publications of a nature tending to insurrection were not to be noticed by magistrates? Were we to wait till the Sessions came round, or till the Attorney-General could file an *ex officio* information? The opinion stated, that the Secretary of State, the Judges, and Justices of the Peace, have power to commit; with respect to the two former, the right was admitted by his Learned Friend who opened this question. Now it would be an anomaly in the law that the Secretary of State, who had no power to examine on oath, should possess this power, and that Justices of the Peace should not have it. He could not help stating the singularity of the argument on this occasion. In Mr Wilkes's time, the argument was, that the Secretary of State was not a Justice of the Peace, and so he had not this power: now, the argument was, oh yes, the Secretary of State has the power, but the Justice of the Peace has not. No lawyer could read the decision of Lord Camden, in Mr. Wilkes's case, without being of opinion that he thought Justices of the Peace had the power. The only doubt he had was, whether the Secretary of State had the power. The view which he took of the question was fully confirmed by the opinion of Hawkins, who held, that Justices of the Peace were bound to hear and determine all offences. That authority he however observed, did not extend to forgeries and perjury, but to every offence that tended to a breach of the peace, as libels and the like. Lord Kenyon, in the case of the King and Dekin, in adverting to this opinion, remarked, that he was not satisfied with the exception of forgery and perjury; and, in the case of the King and Sommers, it was decided that the Magistrates in Session had jurisdiction with regard to such offences, not because they were breaches of the peace, but because they had a tendency to its breach. Hence he inferred, that in the case of libel also, Magistrates had a similar power, though not given to them either by statute or the terms of the commission. Libel, it must be recollected, was an offence at common law, long before the institution of the Star-chamber; the reference which had been made to that Court, therefore, in the course of this discussion, had nothing to do with the point in question and seemed to have been introduced rather for the purpose of exciting prejudice, than adding to the force of the argument on the other side. He must, however, repeat, that neither the statutes nor the commission gave magistrates the power of committing; but they had the power of trying; and it would be a manifest absurdity to suppose that they should have that jurisdiction, and yet not be able to put offenders in a state to be brought to trial. It was said, that this doctrine gives magistrates too great a power; but in fact it gives them no greater authority than they possess in every other crime, whether murder, robbery, perjury, or felony. In all charges, the magistrate must exercise his own judgment in determining whether the act complained of comes under any certain description of offence. But it was said, this power ought not to be given in libel; those who insisted most on this exemption were afraid, that the liberty of the press would suffer by such a jurisdiction. He valued the liberty of the press as highly as any one, but there must be modes of bringing the offences of the press, as well as other offences, under the cognizance of the law. What magical quality did libel possess, that the practice with respect to it should differ from that followed in regard to other crimes? In

any actual breach of the peace the magistrates had power to commit as well as in cases of felony. This power, indeed, was not expressly given them in terms, but it emanated from their authority. Since the cognizance of magistrates over libel in session, a jurisdiction which is not now questioned, was established, he would contend that they possessed that jurisdiction also out of session; this opinion was supported by the authority of Lord Hale. An argument had been held in another place [call of order]: he supposed he was in order in alluding to that argument as it had been published. The argument of the Noble Earl, which he brought forward towards the end of his speech, and regarded as triumphant, was in substance this—that no cases in which magistrates had committed for offences which were not a breach of the peace, had been brought under the cognizance of courts of law. In alluding to the case in Burrows, in which conspiracy was held to be congnizable at sessions, like cheats and frands, the Noble Lord argued,—

Here a Member (Mr. Bennet, we understood) spoke to order.

The SPEAKER said, it was undoubtedly irregular to allude to what passed elsewhere; but when what had there occurred was published, the case, as he apprehended, was different.

Mr. WYNN considered it was improper to do so, and might occasion much inconvenience. (Here loud cries of "Go on, go on!" prevented us hearing the Hon. Gentleman accurately)

Sir F. BURDETT.—If the argument is alluded to as a written argument, I apprehend no objection can be offered to it.

The SOLICITOR-GENERAL proceeded.—If in a case of common cheat a Magistrate could commit, he saw no reason why such power was refused in cases of libel. For would any man tell him that libel was ever intended by the Legislature to be more privileged than any other crime? There might be cases in the law of libel which might give rise to nice questions, but certainly this might be done in every other charge as well as libel. Much had been said of the oppression to which these persons were subject by being imprisoned, but was not this the case in every instance where a charge was preferred against an individual? It was unfortunate indeed that this should be so, but there was no avoiding it when the imperfection of human nature was taken into consideration. He should certainly, at that very late hour, feel extremely unwilling to tire the House with law authorities on the question, but he was astonished to hear Lord Hale's language so much tortured as it had been by his Honorable and Learned Friend (Sir Samuel Romilly. (Hear, hear, hear! from Sir Samuel Romilly).—Lord Hale had distinctly laid it down that Justices of the Peace might issue their warrants against persons charged with crimes against the peace, and hold them to bail! No man but a Lawyer could contend that Lord Hale had not spoken precisely and distinctly.—(A laugh) Hawkins also said that Justices had this power in cases of felony and misdemeanors. The very act of the King's Bench, in holding persons to bail, and in receiving that bail, justifies the opinion of the Law Officers of the Crown. Having established—first, that libel was an offence cognizable by Magistrates; and secondly, that being cognizable by them they had a right to commit for it in default of bail—he conceived that he had made out his case. As to the right of the Secretary of State to call the attention of the Magistracy to certain offences, it was only that which had frequently been done by Proclamation, and by Judges at the opening of an Assize. He was astonished to hear his Honourable and Learned Friend introduce so long an history of Attorneys and Solicitors General, as if to assimilate the proceeding of his Honourable and Learned Friend near him and himself, with the proceedings which he condemned. There might be an imputation against the heads of his Honourable and Learned Friend near him and himself, but there could be none against their hearts. They had discharged their duty to the best of their ability; and in so doing he denied that he had declared any old, or introduced any new law. After the best consideration which he had been able to give the subject, he remained precisely of the same opinion that he he had adopted originally with respect to it; and he must therefore oppose his Honourable and Learned Friend's motion. The Honourable and Learned Gentleman sat down amidst loud cheering.

Mr. WYNN was satisfied that the opinion which the Honourable and Learned Gentleman had given as to the law on this question was right. He was the more convinced of this by the consideration of what had passed in Wilkes's case, and the judgment given by Lord Camden. Every offence, and the greatest the law knew, was subject to be decided on, as to commitment by a single magistrate. A man might write to another abroad that he was to send him six bales of cloth and four of cotton; this was innocent: but if the bales of cloth meant ships of the line, and the cotton frigates, and the letter was written to give information to an enemy, the offence was treason, and a magistrate might commit the writer. With respect to the other part of the case, he considered that the Secratary of State possessed the right of directing magistrates, as the head and superintendent of the police of the country; but then he ought to give the directions on his own responsibility, and not on that of the Attorney and Solicitor-General. He never knew an instance in which the Law-Officers of the Crown had been so called upon to expound the law, except that of the Volunteer Bill, and that had not been so successful as to render it desirable as a precedent. Lord Sidmouth's circular had, besides, been addressed to the Lord-Lieutenant of counties, which was a farther impropriety. The Lord-Lieutenant being a military officer, ought not to have been made the medium of such a communication.

Sir S. ROMILLY, in reply, expressed his astonishment that his Majesty's Ministers should allow so constitutional a question to go to the vote without taking any part in the discussion. It shewed the little value they set on public opinion. He denied having imputed any misconduct to the Attorney or Solicitor-General, or of entertaining the least intention to degrade offices, one of which he had himself held. Still, however, they were the King's Advocates, and their opinions ought not to be promulgated as law. He certainly thought that when they found that the Secretary of State, without apprizing them of his intention to do so, published the opinion which they gave him to all the world, they ought to have tendered their resignation. Although in his conscience he believed that Justices had not the power in the cases in question to commit, he considered the legal question as of very little importance, when compared with the constitutional question; to his arguments on which no answer had been made. He denied that the Circular of the Secretary of State had the least resemblance to a Proclamation, or to the customary Address of a Judge on opening an Assize. The Proclamation of 1793, for instance, only enforced the existing law. In the case under the consideration of the House, there had been a declaration of law perfectly new. He had been astonished to hear his Learned Friend say, that a Magistrate acted in a Ministerial capacity. A Constable did so; but a Magistrate acted in a judical capacity. He had a right to tear a man from his family and send him to gaol. A Magistrate, therefore, was bound not merely to satisfy himself that there was enough to put a man on his trial for a libel, but he was bound to make up his mind that a man had actually published a libel before he committed him. The Honourable and Learned Gentleman proceeded to illustrate his argument by an elaborate reference to legal authorities; and concluded by saying that he should certainly take the sense of the House on the first resolution that if was his intention to propose, and which he had before described.

The original motion was negatived without a division.

The House then divided on Sir S. Romilly's first Resolution—

For the Resolution 49—Against it 157—Majority 108.

The Committee on the Habeas Corpus Suspension Continuance Bill was postponed to this day.

The other Orders of the Day were then disposed of, and at half-past One this morning the House Adjourned.

[*The Courier*,—*June* 26.

OPENING OF WATERLOO BRIDGE.

This noble structure was opened yesterday for the public accommodation, with as much splendour and dignity as it is possible to give to a ceremony of this description. The Bridge, as our readers know, was originally named "The Strand Bridge;" but the natural and patriotic desire of commemorating, in the most noble public manner, the ever-memorable victory of Waterloo, afforded a fine opportunity for changing its appellation from that of the street merely into which it opens. No mode of perpetuating great deeds by works of art is more consistent with good taste than where such works combine, in a high degree, what is ornamental with what is useful. Monuments of this kind have stronger claims on public respect than the costly construction of pillars, obelisks, and towers. There are many instances of public works having received their names from events honorable to the country in which they were erected. In late times, Buonaparte, who, with all his vices, had a very shrewd insight into human nature, and the external means by which it is worked upon, took advantage of this principle, not simply by his triumphal columns or arches to the honour of Dessaix, of himself, and of his army, but also in giving to two new bridges the names of Jena and Austerlitz, where he had gained two decisive victories. But those bridges, however elegant and convenient, are but trifles in civil architecture and engineering, when compared with that which was opened yesterday; and the general appearance of which in its progress attracted particularly the admiration of the Emperor of Russia on his visit to this country.

The intended ceremony excited the public curiosity to a great extent yesterday forenoon, which was much increased by the remarkable fineness of the weather, alike favourable for standing on the bridge, viewing the procession from the banks, or making excursions on the river. The banks of the Thames, from Blackfriars-bridge to Whitehall, were immensely crowded by noon with all descriptions of persons of both sexes, from the curious of the lowest order up to the elegance of the highest fashion. The Temple-gardens, the terraces and roof of Somerset-place, the Adelphi-terrace, York-buildings-terrace, and the gardens of Fife-house, and others in Scotland-yard, were particularly filled. On the south side of the river the crowd fully corresponded in numbers. Seats in stages were erected and let out in the yards belonging to the various wharfs. The Thames itself seemed covered with barges and boats of all kinds. Some, in the line where the coal and corn barges generally lie, were fitted up in a temporary way to accommodate the numerous spectators. The little pleasure vessels of the amateurs of aquatic pleasures enlivened the scene by the neatness and facility of their movements. Colours were hoisted on the steeples of several churches, on the yards of wharfingers, and on many private boats. The Navy standard waved on the centre of Somerset-place. A party of the horse guards, who had been present at the battle of Waterloo, and many of whom bore on their brave breasts the trophies of their valour, went upon the bridge about ten o'clock in the morning. A party of foot-guards also attended with their band; and a detachment of the royal horse artillery, with 20 field pieces.—The bridge was decorated with 18 standards elevated. In the centre, and at each end, were two royal standards of Great Britain; there were between these, standards of Prussia and the Netherlands and the Orange flag; thus representing the nations the success of whose combined armies occasioned the appellation of Waterloo bridge. The eastern side of the bridge was railed off, and temporary benches were placed to accommodate the spectators. Divisions of foot-guards were stationed near Whitehall, and a Captain's guard was drawn up in the area before Fife-house.

About a quarter past two o'clock the Duke of Wellington passed through St. James's Park in his carriage, attended by his Aides-de-Camp, unobserved by the multitude, till he got near the Parade, when he was recognised by a few, who ran after the carriage, but the rate the carriage was travelling prevented it from being known generally who was in it.

The Prince Regent left Carlton House attended by Admiral Sir E. Nagle and Lord Forbes, the Naval and Military Aides-de-Camp in Waiting, at twenty-five minutes past two o'clock, and proceeded through the gate into the Park. The royal carriage was immediately recognised by the throng of persons assembled on the occasion, who received his Royal Highness with every mark of respect. Both the windows of the royal carriage were open, and the public had a full view of the Prince Regent. His Royal Highness and Lord Forbes were dressed in regimentals; Sir E. Nagle in an Admiral's uniform. The Regent's carriage proceeded without any guard till it reached the Parade, where six Life Guardsmen attached themselves to it, and conducted it to Fife House.

The guard at the Tilt-yard was drawn out to receive his Royal Highness with military honours as was that at the Horse Guards; their colours were decorated with laurel, as emblems of victory in commemoration of the day.

A party of the Life Guards, under the command of General Barton, were stationed opposite the Horse Guards, to prevent any carriage entering Whitehall, except those invited to Fife House. The Earl of Liverpool, accompanied by his Countess, received the Prince Regent at the door of Fife House, and conducted him in. They also received the Duke and Duchess of York, the Dukes of Cumberland and Gloucester, with their suites, in a similar respectful manner. The Duke of York was attended by his full Staff, Sir H. Calvert, Sir W. Gordon, Sir H. Torrens, &c. There were also present most of the Foreign Ambassadors, the Cabinet Ministers, the Lord Chamberlain, the Lord Steward, Officers of State, &c. &.

Some time after three the Prince Regent arrived at the Whitehall stairs in his private carriage, whence he embarked on board the Royal barge, bearing the Royal standard. This barge was followed by the Lord Mayor's barge, which attended with his Lordship, and a full company, to conduct the Prince Regent to the bridge. Other barges belonging to the Admiralty, the Navy, and other public officers succeeded, bearing union flags, or the appropriate flags of the respective departments. The discharges of the artillery commenced on the Regent's embarking, and continued till he landed at the bottom of the flight of steps on the south-east of the bridge, which he ascended. His Royal Highness was received in the most respectful manner by the Committee, and the ceremony of paying toll was gone through. The distinguished visitors then proceeded to walk over the Bridge, amidst the cheering of the spectators. A band preceded them, playing "*God save the King*." The Prince walked arm in arm with the Duke of York. They were followed by the Duke of Wellington, the Marquis of Anglesea, Lord Melville, Sir Joseph Yorke, Mr. W. Pole, and many other characters of the highest distinction. They proceeded to take water on the Middlesex side. The Prince, the Duke of Wellington, and the Marquis of Anglesea, were here severally received with three cheers by the numerous spectators in the boats which blockaded the stairs. The Prince, the Duke, and the Marquis, respectfully bowed in acknowledgment for the same. Arrived at the north end of the Bridge, he descended, by the north-east stairs to the Royal barge. The firing then re-commenced, and did not terminate till his Royal Highness had landed at Whitehall watergate, and returned to Carlton-house. The City barge continued on the river for some time after; and the other boats remained a considerable time rowing or sailing backwards and forwards. We scarcely recollect an occasion of public gaiety on which a greater number of persons of all descriptions appeared in the streets, and particularly on the Surrey side of the river. Here all the roads leading towards the bridge were literally crowded. Among other countrivances to increase, and to profit by the general popular festivity, a fair was opened a little to south-east of the bridge, and called, of course, Waterloo Fair, in which, in the true style of the holydays at Greenwich, was a sufficient assortment of different swings, and other vehicles for popular amusement, together with a plentiful supply of cakes, gingerbread, beer and gin. Seats were let in the upper floors, and on the roofs of houses at too great a distance to admit any satisfactory view of the proceedings, at prices up to five shillings per head. All seemed, well disposed to rejoice and make merry, as might naturally be expected, and there were not wanting many instances of the usual effects of vulgar hilarity. Decorations of laurel were worn by the soldiers, with "Waterloo, 18th June, 1815," in gold letters. A bough of laurel, with a similar inscription, was displayed at the suttling house in the Tilt-yard. A new banner was hoised on the spire of St. Martin's church. The firemen of different insurance companies appeared in their full dress. A large cannon, taken at the battle of Waterloo, was placed on the parade in St. James's-park on Tuesday.

Having noticed the particulars connected with yesterday's ceremony, it is an agreeable task to say something of the bridge itself, which we consider to be a very high testimonial of the great abilities of Mr Rennie, the architect, and of the liberality of the great body of shareholders, who have provided the funds for its erection. We believe that there is no bridge in any of the European capitals (and certainly none else where) which is equal, as a great work, to either of the bridge at Westminster or Blackfriars. They are superior works to any of the kind at Paris, Petersburgh, Madrid, Vienna, or Dresden, or in the Italian States. But then, the Waterloo-bridge is superior to the others which bestride the Thames, and is consequently the finest in the world. We do not think that any of the great Roman bridges, such as that over the Danube, can be considered with any comparative disadvantage to it. It was unquestionably wanted, as a work of public utility, though we fear it can never become a source of profit to the shareholders. Perhaps we need not mention that it is built of granite, and within the walls is filled up with an inferior stone (Merstham stone we understand). The departure from the old custom of curved bridges, and adopting the straight line, has removed many doubts which existed among lovers of the arts, as to the relative beauty of the different forms. A view of this new bridge, however, shows at once that the form is not only more classical, but more simple and striking in its effect. The choice of a straight line was, probably, influenced by the height of the pavement in the Strand, and a desire to avoid a disagreeable ascent and descent in the short space between that street and the river. Some have objected to balustrades being used instead of what is called a plain blocking course, a parapet: but this is an inferior matter of taste. If the balustrades do not add to the appearance of solidity, they confer a considerable share of lightness and elegance, and are also more agreeable to the eye of the passenger. The coupled Doric pillars on the piers have likewise been the subject of criticisms: but we have not seen the inappropriateness of their position proved. If they were not introduced, some sort of buttress must have been constructed, or no projection at all. We know no sufficient reason why a bridge should, unlike all other edifices, be stripped of architectural ornament. The lowness of the ground on the Surrey-side, has rendered necessary a long series of arches to support the southern avenue, and to make the descent towards St. George's fields as easy as possible. This convenience has, at a very great expense, been attained. If there be any parts of this great work to which objections can be made, we should think they might apply to the curvature and narrowness of the stairs leading to the landing places, which we fear may expose them to nuisances. Possibly this may be ascribable to the want of a sufficient expansion of opening at the ends. The four toll lodges are neat appropriate Doric structures. We observed a clever contrivance at each lodge for the purpose of checking and preventing their dishonesty to the trust. The kind of iron turn-stiles, which admit of only one person passing at a time, touch some machinery which communicates with a clock locked up in an oak box in each toll-house, the index of which is thereby moved, so that on looking at it the number of those who have passed is directly seen. Some machinery for a similar object is to be applied to the horse and carriage gates. We understand that, when the lamps are completed, the gas lights will be introduced. The situation of this bridge is remarkably fine. It gives the grandest view we have of the river in its beautiful meander, displays the rising crescent of buildings on the north side, and brings out Somerset-terrace in the most favourable way; while on the south it opens the view of the Surrey hills. We congratulate the metropolis on the completion of this additional ornament and convenience to the first city in the world.

[*The Courier*,—*June* 19.

DEANERY OF ST. PAUL'S. DOCTORS COMMONS, *May* 23.

DOEBYN *v.* DOBBYN.

This was a suit of divorce instituted by William Augustus Dobbyn, Esq. late Captain in his Majesty's 5th Dragoons, against Maria Philippa Dobbyn, his wife, for adultery.

The affidavits read were to the following effect:—Mrs. Bull, at whose house Mrs. Dobbyn came to lodge in 1813, (after her husband's quitting her to join his regiment in Spain,) deposed, that at No. 11. St. James's-place, Hampstead-road, she let her first floor, consisting of two rooms, and, a bed room for a servant and child, to Mrs. Dobbyn, the party in the cause: that shortly after she came there, she was visited by a Mr. M'Clelland, a man of *colour*, with whom she would frequently be for hours together in the sitting room, the door of which was made fast, and the window-shutters closed. She called Mr. M'Clelland her "dear Collin," and he called her his "dear Maria." when Mr. M'Clelland was a prisoner for debt in the King's Bench, she went to see him, and was absent for two days, confessing she had been with him. He was seen by deponent sitting with her on the sofa, with his arm round her neck, his head leaning on her shoulder, and her arm round his neck. The deponent remonstrated "How shocking such conduct was in a married woman."—Mrs. Dobbyn made answer, "it was impossible she could live without the company of a Gentleman, and if her husband did not like it he should remain with her."—An old Gentleman of the name of Twiss visited her; she received him in her stays and flannel petticoat.—Deponent detected them in the bed room together, she lacing her stays, whilst this gentleman, (80 years of age,) stood by her bed side. She was also visited by the son and nephew of Mr. Twiss, one of whom was seen to kiss her, and used to roll upon the sofa with her. The old gentleman desired her child might be sent out of the room, saying he "would rather have twenty monkies in it than one child." Strange men also visited her, and with all of whom the deponent verily believed adulterous intercourse took place. Her husband left her 150*l.* per annum, in the hands of Messrs. Coutts and Co. which was paid monthly. Deponent's house was threatened to be indicted, on account of which Mrs. Dobbyn quitted her lodgings.

Mrs. Sophia Dewhurst, daughter of Mrs. Bull, likewise proved certain facts, in confirmation of her mother's testimony.

It appeared, however, after the discovery was made to the husband, he treated this story with contempt, and did afterwards cohabit with his wife.

Dr. Lushington contended, that the adultery was not proved, because the affidavits of Mrs. Bull and her daughter were totally unworthy of credit, since, by her own account, she was the pander of Mrs. Dobbyn, by suffering such conduct in her house, which must have been, if true, no better than a brothel. If the adultery was proved, then the husband had barred himself of his remedy, after the facts were communicated to him, by his afterwards visiting and passing the night with his wife.

Dr. Jenner, Officiate of this Court, deferred judgement.

SCIENCES.

Pneumatic Provision-Safe.—A new invention or rather a very ingenious application of known principles has just obtained merited praise at Paris. It is a pneumatic provision-safe, intended to preserve articles of food from all corruption, and particularly useful in hot seasons.

It has been long laid down as a principle by the learned, that these united agents concur in the destruction of alimentary substances; air, heat and water: and that by insulating one of these agents, the action of the other two is paralized. The problem was to find an easy and economical method of effecting this.—Mr. Foucque, junr. has succeeded in solving this problem by producing a vacuum by dilatation, in an apparatus of two sizes; the one, 13 inches in diameter, intended to be always in the kitchen to receive the dishes which it is wished to preserve, consists of a square piece of hard stone in which a circular groove is cut, furnished with mastic (or lute) in which groove the circumference of a cast metal bell is fitted, at the top of which is pierced a hole one line in diameter. The other consists of a large earthern pot of a thin consistence, capable of containing 40lbs. of meat. Round the mouth of it is a circular groove, which is luted, into which a cast metal bell is fitted as above, and having also at the top a hole one line in diameter.

When the substances, which it is desired to preserve, have been placed in the apparatus you dip into spirit of wine of 33 degrees, a little spunge, which is placed in a saucer upon the eatables, and the spunge is set fire to by means of a match. A considerable dilatation immediately takes place, which expels the warm air. After this vertical expansion, the colu of atmosphoric air exercises its action to enter the apparatus; but is prevented by s ping the hole with common wax. The va thus produced is more than sufficient to pr the eatables; and the more so, as the quantity of atmospheric air which may got again into the bell is decompose combustion of the spirit of wine, quite finished when the little hole is stopped up with the wax, and into carbonic acid gaz, the preserv of which is generally known.

BOMBAY.—PRINTED FOR THE *PROPRIETORS*, BY M. D. CRUZ, IN BAKE-HOUSE LANE,

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Gentlemen about to change their stations, are requested to give notice to the PRINTER, *who will pay due attention to their Orde*

SUPPLEMENT TO THE BOMBAY GAZETTE.

Wednesday, 26th November, 1817.

A
BILL

To regulate the Trade to and from the Places within the Limits of the Charter of the *East India* Company, and certain Possessions of His MAJESTY in the *Mediterranean*.

Preamble.

Whereas an Act was passed in the Fifty-third year of the Reign of His present Majesty, intituled, "An Act for continuing in the "*East India* Company, for a further term, the Possession of the "*British* Territories in *India*, together with certain exclusive "Privileges; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; and for "regulating the Trade to and from "the Places within the Limits of "the said Company's Charter:"

And whereas by the said recited Act it was enacted, That it should be lawful for any of His Majesty's subjects, in common with the said United Company, to export in Ships, navigated according to Law, from any Port or Ports within the United Kingdom of *Great Britain & Ireland*, to all Ports and Places within the Limits referred to, save
2 and except the Emperor of *China*, any Goods, Wares and Merchandize which could then, or might at any time or times thereafter, be legally exported; and also in common with the said Company to import in Ships navigated as aforesaid, from any Port or Ports within the Limits aforesaid, save and except as aforesaid, into the said United Kingdom, any Goods, Wares and Merchandize, the Produce or Manufacture of any of the Countries within the said Limits, which could or might at any time or times thereafter be legally imported; subject nevertheless to the several Restrictions, Conditions and Limitations in the said Act contained:

And whereas it was also enacted by the said Act, That nothing therein contained should extend or be construed to extend to prevent the making, during the further term thereby granted to the said Company, such further Provisions by Authority of Parliament, as might from time to time be deemed necessary for enabling His Majesty's Subjects to carry on Trade and traffick, directly or circuitously, as well between all Ports and Places situate without the Limits of the said Company's Charter, and all Ports and Places (except the Dominions of the Emperor of *China*) situate within those Limits, as between the said United Kingdom and all the lastmentioned Ports &
3 Places, except as aforesaid:

And whereas by an Act passed in the Fifty-fourth year of His present Majesty's Reign, intituled, "An Act for the further Regula- "tion of the Trade to and from "the Places within the Limits of "the Charter of the *East India* "Company," Provision was made for enabling the said Company, & all other His Majesty's Subjects, to carry on a circuitous Trade, to, from, and between the Places within such Limits:

AND whereas it is expedient to make Provision for the enabling the said Company, and all other His Majesty's Subjects, to carry on Trade within the Limits of the Charter of the said Company, and certain Possessions of His Majesty in the *Mediterranean*;

Be it therefore Enacted, by The KING's Most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, & by the Authority of the same, THAT from and after the

Trade to be carried on directly and circuitously between the Island of *Malta* and its Dependencies, or the Port of *Gibraltar* and all Ports and Places within the Limits of the Company's Charter, except to China.

it shall be lawful, for the said Company, and also for any other of His Majesty's Subjects, to carry on Trade and Traffic, in Ships navigated according to Law, directly and circuitously between the Island of *Malta* and its Dependencies, or the Port of *Gibraltar*, and all Ports and Places within the Limits of the said Company's Charter, except the Dominions of the Emperor of *China*: Provided always, That in carrying on such Trade it shall not be lawful to trade to or at any Port or Place without the Limits of the said Company's Charter, other than those with which Trade is permitted by the Act of the Fifty-fourth year of His present Majesty; any thing contained in any Charter of the said Company, or in any Act or Acts of Parliament to the contrary notwithstanding: Provided always, That nothing herein contained shall extend or be construed to extend to authorize any of His Majesty's Subjects, other than the said Company, or Persons properly licensed by them, to export or import from or to any such Countries, Ports or Places, within or without such Limits, or to import into the United Kingdom, any Tea, or in any manner to trade or traffic in Tea, between any such Ports or Places as aforesaid.

Cape of Good Hope to be considered within such Limits.

Provided always, and be it further Enacted, That His Majesty's Settlement at the *Cape of Good Hope* shall, as to all Trade allowed by this Act to be carried on, be deemed construed and taken to be within the Limits of the *East India* Company's Charter: Provided also, That nothing herein contained, as to the said Settlement being deemed as to such Trade as aforesaid to be within such Limits, shall
5 extend or be construed to extend, to prevent, or in any manner to limit or affect, any other Trade which now may, or which may hereafter, be allowed to be carried on between the said Settlement and any other Countries, Ports or Places whatever.

Trade not to be carried on in Ships under the burthen prescribed.

Provided also, and be it further Enacted, That it shall not be lawful for any Vessel to carry Trade under the Provisions of this Act, the registered measurement of which Vessels shall be under the burthen prescribed by the said Act of the Fifty-third year of His present Majesty, or which may be prescribed by any Act hereafter to be passed for Vessels carrying Trade between the United Kingdom and the Places within the Limits of the *East India* Company's Charter.

Governors and Lieutenant Governors of Malta and Gibraltar to grant Licenses.

AND whereas by the said Act of the Fifty-third year of His present Majesty's Reign, it is Enacted, That no Ship or Vessel engaged in private Trade under the authority of that Act, shall proceed to any Place situate on the Continent of *Asia*, from the River *Indus* to the Town of *Malacca* inclusive, or in any Island under the Government of the said Company, lying to the North of the Equator, or to the said Company's Factory of *Bencoolen* or its Dependencies, or to any other Place or Places situate more to the Northward than eleven degrees of South Latitude, and between the sixty-fourth
6 and one hundred and fiftieth degrees of East Longitude from *London*, without a License from the Court of Directors of the said Company, or from the Board of Commissioners for the Affairs of *India*, (as the case may be,) BE it further Enacted, That the Governors and Lieutenant Governors of the said Island of *Malta* and Port of *Gibraltar* respectively, shall be and they are hereby authorized to grant Licenses to Ships or Vessels so proceeding as aforesaid, from the said Island of *Malta* or Port of *Gibraltar*, in the same manner and under the same Regulations and Provisions in regard to the Grant and Form thereof as are under the said recited Act applicable to Licenses granted by the said Court of Directors and Board of Commissioners respectively: Provided always, That the said Governors and Lieutenant Governors shall not be empowered to grant any License specially authorizing any Ship or Vessel to proceed to any Place or Places upon the Continent of *Asia* from the River *Indus* to the said Town of *Malacca* inclusive, except the said Company's principal Settlements; and that in regard for such Licenses as are under the Provisions of the said recited Act to be granted by the said Board of Commissioners, the said Governors and Lieutenant Governors shall conform themselves as far as the case may admit, to such Rules and
6b Regulations in that behalf, as may from time to time be framed and published by the said Commissioners.

For transmitting Lists of Licenses granted or refused.

And be it further Enacted, That each such Governor or Lieutenant Governor shall transmit to one of His Majesty's Principal Secretaries of State, annual Lists of all such Licenses as shall have been granted by him as aforesaid, and of all Licenses (if any) which such Governor or Lieutenant Governor may have, in consequence of any Instructions which he may have received in regard to such Licenses, have refused to grant, together with his Reasons for such refusal.

Ships not to sail without Lists of the Persons and Arms on board being delivered.

Provided also, and be it further Enacted, That no Ship or Vessel other than the Ships of the said Company engaged in trade under the Authority of this Act, shall be permitted to clear out from the said Island or Port for any Place or Places under the Government of His Majesty or of the said Company, situate more to the Northward than eleven degrees of South Latitude, and between the sixty-fourth and one hundred and fiftieth degrees of East Longitude from *London*, until the Master or other Person having the command of such Ship or Vessel, shall have been made out and exhibited to the principal Officer of the Customs, or other Persons thereto authorized by such Governor or Lieutenant Governor as aforesaid, at the Port of Clearance upon Oath (which Oath such Officer or other Person is
7 hereby authorized to administer) a true and perfect List in such Form as shall from time to time be settled by the said Court of Directors, with the approbation of the said Board of Commissioners, specifying and setting forth the Names, Capacities and descriptions of all Persons embarked or intended to be embarked on board such Ship or Vessel, and all Arms on board or intended to be put on board the same; nor shall any such Vessel be admitted to Entry at the said Island or Port, until the Master or other Person having the command of such Ship or Vessel shall in the like manner have made out and exhibited to the principal Officer of the Customs, or other Person thereunto duly authorized upon Oath (which Oath such Officer or other Person is hereby authorized to administer) a true and perfect List, in form to be settled as aforesaid, specifying the Names, Capacities and Descriptions of all Persons on board or who shall have been on board such Ship or Vessel, from the time of the sailing thereof to the time of arrival, and of all Arms on board, or which shall during that time have been on board such Ship or Vessel, and the several times and places at which such of the said Persons as may have died or left the said Ship or Vessel, shall have so died or left such Ship or Vessel, or such of the said Arms as may have been disposed of, have been so disposed
8 of.

For transmissions of such Lists.

Provided also, and be it further Enacted, That such Governors or Lieutenant Governors shall and they are hereby required to cause every such List, which shall be so received at the said Island or Port, to be transmitted with all reasonable dispatch to the Court of Directors of the said United Company; and all Ships or Vessels trading under the Authority of this Act, shall, on their arrival at any Port or Place under the government of the Company in *India* be subject to all the Regulations, Restrictions and Provisions prescribed by the said Acts of the Fifty-third year of His present Majesty's Reign; and that all Trade with all Ports and Places upon the Continent of *Asia*, from the River *Indus* to the Town of *Malacca* inclusive, or any Island under the government of the said Company, lying to the North of the Equator or the said Company's Factory at *Bencoolen* and its Dependencies; shall remain & continue subject to all such Regulations, Provisions & Restrictions as shall from time to time be in force in relation to Trade, at any such Ports & Places under the authority of any of the Governments of the said Company at their several Presidencies in *India*.

Allowing Cargoes to be discharged at the Islands, subject to Regulation.

And be it further Enacted, That
9 it shall be lawful for the said Company and for any other of His Majesty's Subjects, to trade (in Ships navigated according to Law, and proceeding upon any Voyage between any Ports or Places within the Limits of the said Company's Charter and the United Kingdom) to and at the said Island of *Malta* and Port of *Gibraltar*, and for that purpose to discharge the whole or any part of the Cargo of any such Ship or Vessel at such Island or Port, and in the prosecution of such circuitous Voyage to take on board any other Goods, Wares and Merchandize which can be legally carried from such Ports or Places within the Limits aforesaid, to such Island or Port; and in like manner to trade in any such Ship or Vessel in any Voyage from the United Kingdom to any Ports or Places within the Limits aforesaid, to and at the said Island of *Malta* and Port of *Gibraltar*: Provided always, That all such Ships and Vessels shall be subject to all the Regulations, Restrictions and Provisions to which Ships and Vessels carrying on Trade circuitously, between the United Kingdom and the Limits of the said Company's Charter, are by the said Acts of the Fifty-third and Fifty-fourth years of his Majesty's Reign made liable.

Allowing Goods to be re-exported from Malta or Gibraltar.

And be it futher Enacted, That all Goods and Commodities so imported into the Island of *Malta* or its Dependencies, or into the
10 Port of *Gibraltar*, from any Ports or Places within the Limits of the said Company's Charter, may be re-exported from the said Island of *Malta* or its Dependencies, or the Port of *Gibraltar*, to the United Kingdom, and imported at any of the Ports where such Goods and Commodities may lawfullly be imported, in like manner as if such Goods and Commodities were imported directly from the Place of their growth, production or manufacture; any thing in an Act passed in the Twelfth year of the Reign of his Majesty King *Charles* the Second, intituled, "An Act for the "encouraging and increasing of Shipping and Nevigation," or in any other Act to the contrary notwithstanding.

No Asiatic Sailor to be taken on board without License, and under certain Regulations.

And be it further Enacted, That it shall not be lawful for any Ship or Vessel engaged in any Voyage under the Authority of this Act, from any Port or Place in the *East Indies* to the said Island of *Malta* or Port of *Gibraltar*, and not destined to any Port in the United Kingdom, to take or have on board any *Lascars* or other *Asiatic* Seamen: Provided always, That it shall be lawful for any of the Governments of the *East India* Company in *India*, or for any Governor or Lieutenant Governor of
11 any Colony, Territory or Island belonging to His Majesty within the Limits of the said Charter, and they and he are hereby required, on application made by the Owner or Commander of any Ship or Vessel, and after having ascertained by due enquiry that a sufficient number of *British* Seamen cannot be produced for the Crew of any Ship or Vessel sailing from *India* within days from such application, to certify the same, and license such Ship or Vessel to sail with such proportion of *Lascars* or *Asiatic* Seamen as may be specified in such Certificate & License; and the Governor General in Council at *Fort William* is hereby authorized and required to make Rules and Regulations, that all such *Asiatic* Sailors, *Lascars* or Natives aforesaid, shall be duly supplied with Provisions and Clothing, and other necessary Accommodation, while employed and while absent from the Countries or Places to which they respectively belong, and until they shall be carried back to *India* or any other Country or Place to which they respectively belong, and until they shall be carried back to *India* or any other Country or Place from whence they were respectively brought, and for the Conveyance back of such *Asiatic* Sailors, *Lascars* and Natives aforesaid, within a reasonable time, to be specified in such Bond, or ascertained by such Rules and Regulations.

Masters to enter into Securities.

Provided also, and be it Enacted, That no Ship or Vessel so licensed
12 to take on board *Lascars* or *Asiatic* Seamen, shall be permitted to clear out from any Port or Place within the Limits of the said Company's Charter, unless and until the Owner or Captain or Master of such Ship shall have first given Security by Bond, in manner directed by an Act passed in the Fifty-fourth year of His present Majesty, and subject to all the Provisions of that Act, for the Maintenance and Conveyance back to *India*, or for the Conveyance to *England* and Maintenance while in *England*, and Return to *India*, of such *Lascars* or *Asiatic* Seamen, which may be received on board of such Ship.

Act may be altered in this Session.

And be it further Enacted, That this Act may be altered, amended or repealed, by any Acts to be passed in this Session of Parliament.

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